

Federal Storm Water Permit
Information for New England Marinas

EPA New England

10/01/03

How to Determine if Your Marina Requires a Federal Storm Water Permit

Your facility requires a National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit (MSGP) if all of the following four conditions are met:

1) Your facility is in one of the category of facilities which requires a MSGP. Standard Industrial Classification (SIC) 4493 (marinas) is one of the categories of facilities which requires a MSGP.

SIC 4493- applies to establishments, commonly known as marinas, engaged in operating docking and/or storage facilities for boat owners, with or without one or more related activities, such as retailing fuel and marine supplies; and repairing, maintaining, or renting boats. Facilities with this classification include:

Marinas
Boating clubs with marinas
Sailing clubs with marinas
Yacht clubs with marinas

2) Your facility conducts vessel maintenance and/or equipment cleaning operations exposed to storm water. Vessel maintenance or cleaning equipment operations includes operations such as fueling; engine maintenance/repair; vessel maintenance/repair; pressure washing; sanding; blasting; welding; metal fabrication; and liquid storage in tanks or other containers.

3) Storm water from your facility flows through a point source into a water of the US.

A point source is any discernable, confined and discrete conveyance from which pollutants are or may be discharged directly into a United States water body. A point source includes but is not limited to any:

pipe	tunnel	conduit	discrete fissure
ditch	channel	well	container
swale			

In addition, conveyances of storm water formed by *erosion* or *other natural means* fit the

definition of a point source.

Marina Ramps and Railways

It is often asked whether a ramp or railway at a marina is a point source under this regulation. The answer is yes if the ramp or railway does or may convey pollutants associated with industrial activity from maintenance and or cleaning equipment operations directly into a United States water body.

4) The storm water from the facility is discharged to a water of the U.S. such as a river, pond, ocean, lake, large or small stream, or wetland.

If all of the above conditions apply, then the facility must apply for permit coverage. Facilities that have maintenance and/or equipment cleaning operations contained entirely indoors may not need a permit if they obtain a “no exposure certification” (see 40 C.F.R. §122.26(g)).

For more information on how to apply for a storm water permit or no exposure certification call your contact below.

If Your Facility Requires a Federal Storm Water Permit

1. Prepare a storm water pollution prevention plan (SWPPP). As part of this plan, the facility is required to conduct storm water monitoring (see MSGP 4.1, 65 Fed. Reg 64812).
2. Submit a “Notice of Intent” (NOI) (attachment 1) to be covered under a MSGP. In some cases, it may be more appropriate for you to apply for an individual permit instead. You can call your above contact to determine which type of permit is most appropriate for your facility.
3. Implement your SWPPP.

Contacts are:

State	ME, NH, MA	CT	VT	RI
Contact	EPA New England Thelma Murphy 617-918-1615	Chris Stone 860-424-3850	Margaret Torizzo 802-241-3780	Margarita Chatterton 401-222-4700 ext. 7605

What Should the SWPPP Address?

The SWPPP design and implementation should address three major objectives regarding storm

water discharges associated with vessel maintenance and equipment cleaning operations.

- 1) Identify sources of pollution that could potentially affect storm water quality;
- 2) Ensure implementation of measures (best management practices) to minimize and control pollutants; and
- 3) Assure compliance with the terms and conditions of the permit.

See the SWPPP sample table of contents (Attachment 2) for examples of plan elements. Of course, each plan will vary in length and detail according to site specifics.

Implementing Best Management Practices (BMPs)

- BMPs are generally simple to implement. The MSGP provides some examples. (See MSGP §4 and §6.Q.4.). You can obtain sample BMP's from many industry publications.
- The permit itself does not mandate any specific BMP. Rather it requires the facility to select and implement BMP's based on specific facility activities.

What to Do if You Do Not Require the Permit

- It is a good idea to document why you believe you don't need a federal storm water permit and keep such documentation on file.
- Consider creating a SWPPP for your facility anyway. Even if you're not required to have one, it's a good idea to protect you, your employees, your customers and the environment.

Monitoring and Reporting Requirements

The MSGP requires that facilities perform and document quarterly visual monitoring of their storm water discharges associated with industrial activity. The MSGP also requires that facilities collect and analyze samples of their storm water discharges on a quarterly basis for specific years for the pollutants listed in Table Q-1 (see 65 Fed. Reg. 64842):

<u>Parameter</u>	<u>Benchmark monitoring cutoff amount</u>
Aluminum	0.75 Mg/L
Iron	1.0 Mg/L
Lead	.0816 Mg/L
Zinc	.117 Mg/L

Limits on Coverage

Direct discharges to waters of the United States from the following activities are not covered under the storm water MSGP and require a separate individual permit:

pressure wash water
bilge and ballast water
sanitary waste
cooling water originating from vessels

Some Frequently Asked Questions

1) What types of activities are considered vessel maintenance and/or equipment cleaning operation within the regulation?

Activities such as fueling; engine maintenance/repairs; vessel maintenance/repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; and storing liquid materials such as paints, solvents and resins.

2) Is the size of the marina or level of activity taking place at the marina relevant to determining if the regulation applies to a facility?

No.

3) Do storm water conveyances (point sources) outside of the maintenance and/or equipment cleaning operation areas count in the determination of applicability?

For a marina facility, the federal storm water MSGP applies only to point sources associated with maintenance and equipment cleaning operations. Areas located separately from maintenance, repair, and cleaning activities such as parking lots are not subject to permit requirements as long as the drainage from such areas is not mixed with stormwater drained from areas where maintenance, repairs, and cleaning and any other activity listed under Question 1 above take place (see 40 C.F.R. §122.26 (b) (14)).

**Notice of Intent for Storm Water Discharges Associated with
INDUSTRIAL ACTIVITY Under the Multi-sector NPDES General Permit**

Submission of this completed Notice of Intent (NOI) constitutes notice that the entity in Section B intends to be authorized to discharge pollutants to waters of the United States, from the facility or site identified in Section C, under EPA's Storm Water Multi-sector General Permit (MSGP). Submission of the NOI also constitutes notice that the party identified in Section B of this form has read, understands, and meets the eligibility conditions of Part I of the MSGP; agrees to comply with all applicable terms and conditions of the MSGP; understands that continued authorization under the MSGP is contingent on maintaining eligibility for coverage, and that implementation of the permittee's pollution prevention plan is required two days after a complete NOI is mailed. In order to be granted coverage, all information required on this form must be completed. Please read and make sure you comply with all permit requirements, including the requirement to prepare and implement a storm water pollution prevention plan.

A. Permit SelectionIf new, enter generic permit, otherwise enter previous permit: **New Permit Number** (EPA Use Only) R05 **B. Facility Operator Information**

1. Name: 2. Phone:
3. Mailing Address: a. Street or P.O. Box:
b. City: c. State: d. Zip Code:

C. Facility/Site Information

1. Facility/Site Name:
2. Location Address: a. Street:
b. City: c. County:
d. State: e. Zip Code: f. Latitude: g. Longitude:
3. If you are filing as a co-permittee, enter storm water general permit number:
4.a. Permit Applicant: ☐ Federal ☐ State ☐ Tribal ☐ Private ☐ Other public entity
b. Is the facility located on Indian Country Lands? ☐ Yes ☐ No
5. Does the facility discharge storm water into:
a. Receiving water(s)? ☐ Yes ☐ No If yes, name(s) of receiving water(s):
b. A municipal separate storm sewer system (MS4)? ☐ Yes ☐ No
If yes, name of the MS4 operator:
6. The 4-digit Standard Industrial Classification (SIC) codes or the 2-letter Activity Codes that best represent the principal products produced or services rendered by your facility and major co-located activities:
Primary: Secondary (if applicable):
7. Applicable sector(s) of industrial activity, as designated in Part 1.2.1 of the MSGP, that include associated discharges that you seek to have covered under this permit (choose up to three):

☐ Sector A ☐ Sector F ☐ Sector K ☐ Sector P ☐ Sector U ☐ Sector Z
☐ Sector B ☐ Sector G ☐ Sector L ☐ Sector Q ☐ Sector V ☐ Sector AA
☐ Sector C ☐ Sector H ☐ Sector M ☐ Sector R ☐ Sector W ☐ Sector AB
☐ Sector D ☐ Sector I ☐ Sector N ☐ Sector S ☐ Sector X ☐ Sector AC
☐ Sector E ☐ Sector J ☐ Sector O ☐ Sector T ☐ Sector Y ☐ Sector AD

8. Additional Facility/Site Requirements:

- a. Based on the instructions provided in Addendum A of the MSGP, have the eligibility criteria for "listed species" and critical habitat been met? ☐ Yes ☐ No
b. Based on the instructions provided in Addendum B of the MSGP, have the eligibility criteria for protection of historic properties been met? ☐ Yes ☐ No

D. Certification

Do you certify under penalty of law that this document and all attachments were prepared under your direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted? Based on your inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, do you certify that the information submitted is, to the best of your knowledge and belief, true, accurate, and complete? Do you certify that you are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations?

Print Name: Signature: Date:

Instructions for Completing the Notice of Intent for Storm Water Discharges Associated with INDUSTRIAL ACTIVITY Under the Multi-sector General Permit

Who Must File a Notice of Intent?

Under the provisions of section 402(p) of the Clean Water Act (CWA) and regulations at 40 CFR Part 122, Federal law prohibits "point source" discharges of storm water associated with industrial activity to waters of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. If you operate a facility which is described in Part 1.2.1. of the Multi-sector General Permit (MSGP) or if you have been designated as needing permit coverage for your storm water discharges by your NPDES permitting authority, and you meet the eligibility requirements in Part 1 of the permit, you may satisfy your CWA obligation for permit coverage by submitting a completed NOI to obtain coverage under the MSGP. If you have questions about whether you need a permit under the NPDES Storm Water Program, contact your NPDES permitting authority (i.e., your EPA Regional storm water coordinator or your State water pollution control agency).

One NOI must be submitted for each facility or site for which you are seeking permit coverage. Only one NOI need be submitted to apply for coverage for all of your activities at each facility (e.g., you do not need to submit a separate NOI for each type of industrial activity located at a facility or industrial complex, provided your storm water pollution prevention plan covers each area for which you are an operator). Finally, the NOI must be submitted in accordance with the deadlines established in Part 2.1 of the MSGP.

When to File the NOI Form

DO NOT FILE THE NOI UNTIL YOU HAVE OBTAINED A COPY OF THE MULTI-SECTOR GENERAL PERMIT. You will need it to determine your eligibility, prepare your storm water pollution prevention plan, and correctly answer all questions on the NOI form — all of which must be done before you can sign the certification statement on the NOI in good faith (and without risk of committing perjury).

If you have a new facility or are the new operator of an existing facility, this form must be postmarked at least 48 hours before you need permit coverage. If your facility was covered under the 1995 Multi-sector General Permit or if you are currently operating without a permit, see Part 2.1 of the MSGP for your deadlines. CAUTION: You must allow enough lead time to gather the information necessary to complete the NOI (especially that related to determining eligibility with regards to endangered species and historic properties) and prepare the pollution prevention plan required by Part 4 of the MSGP prior to submitting your NOI.

Where to File the NOI Form (NOI Processing Center's Toll Free Number: (866) 352-7755) Do not send Storm Water Pollution Prevention Plans (SWPPPs) to these addresses.

NOIs sent regular mail:

Storm Water Notice of Intent (4203M)
USEPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

NOIs sent overnight/express:

Storm Water Notice of Intent
EPA East Building, Rm. 7329
1201 Constitution Avenue, NW
Washington, DC 20004

(For overnight/express delivery of NOIs, add the phone number (202) 564-9537)

NOTE: While not currently available, EPA is exploring the possibility of offering the option to complete the NOI form electronically online via the Internet. If this option does become available, directions will be posted on EPA's web site. To check on the availability of the alternative Online NOI, please visit <http://www.epa.gov/npdес/stormwater>. If the Online NOI is not available, you must file the NOI at the above address.

If your facility discharges through a municipal separate storm sewer system (MS4) that is permitted as a medium or large MS4 under the NPDES Storm Water Program, you must also submit a signed copy of the NOI to the operator of that MS4, in accordance with the deadlines established in Part 2.1 of the permit.

Completing the NOI Form

To complete this form, type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks (abbreviate if necessary to stay within the number of characters allowed for each item). Use one space for breaks between words. Please make sure you have addressed all applicable questions and have made a photocopy for your records before sending the completed form to the address above.

Section A. Permit Selection

If your facility was previously covered by the MSGP 1995 Permit, and you are transferring to the October 29, 2000 version of the MSGP (MSGP 2000), then you must indicate the MSGP 1995 permit number assigned to you by the Storm Water Notice of Intent Center.

If your facility was not previously covered by the MSGP 1995 Permit, and you are applying for new coverage under the MSGP 2000 Permit, you must indicate the "generic" permit number covering your facility area. You will find your generic permit number in the MSGP 2000 Permit, Federal Register, Vol. 65, No. 210, Monday, October 30, 2000, on pages 64802-64803. (As an example, the generic permit number for an industrial site in Puerto Rico would be PRR05###.) The MSGP 2000 Permit is available online at: http://cfpub.epa.gov/npdес/stormwater/msgsp.cfm?program_id=6.

Section B. Facility Operator Information

1. Provide the legal name of the person, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity that operates the facility or site described in this application. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operation, rather than the plant or site manager.
2. Provide the telephone number of the facility operator.
3. Provide the mailing address of the facility operator. Include the street address or P.O. Box, city, state, and zip code. All correspondence regarding the permit will be sent to this address, not the facility address in Section C.
4. Indicate the legal status of the facility operator as a Federal, State, Tribal private, or other public entity (other than Federal or State). This refers only to the operator, not the owner or the

land the facility or site is located upon.

Section C. Facility/Site Information

1. Enter the official or legal name of the facility or site.

2. Enter the complete street address (if no street address exists, provide a geographic description [e.g., Intersection of Routes 9 and 55]), city, county, state, and zip code. Do not use a P.O. Box. Enter the latitude and longitude of the approximate center of the facility or site in degrees/minutes/seconds. Latitude and longitude can be obtained from U.S. Geological Survey (USGS) quadrangle or topographic maps, by using a GPS unit, by calling 1-(888) ASK-USGS, by searching for your facility's address on several commercial "map" sites on the Internet, or by accessing EPA's web site at <http://www.epa.gov/owm/sw/industry/index.htm> and selecting Latitude and Longitude Finders under the Resources/Permit section.

3. If you are filing as a co-permittee and a storm water general permit number has been issued to the co-permittee, enter the number in the space provided.

4. Indicate whether the facility is located on Indian Country lands (e.g., a federally recognized reservation, etc.).

5. Indicate whether the facility or site discharges storm water into a receiving water(s) and/or a municipal separate storm sewer system (MS4). Enter the name(s) of the closest receiving water(s) and/or the MS4 (An MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, borough, county, parish, district, association, or other public body and is designed or used for collecting or conveying storm water.)

6. List your primary and secondary four 4-digit Standard Industrial Classification (SIC) codes or 2-character Activity Codes that best describe the principal products or services provided at the facility or site identified in Section C of this application. For industrial activities defined in 40 CFR 122.26(b)(1)(i)-(ix) and (xi) that do not have SIC codes that accurately describe the principal products produced or services provided, use the following 2-character Activity Codes: **HZ** = Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA [40 CFR 122.26(b)(1)(iv)]; **LF** = Landfills, land application sites, and open dumps that receive or have received any industrial wastes, including those that are subject to regulation under subtitle D of RCRA [40 CFR 122.26(b)(1)(v)];

SE = Steam electric power generating facilities, including coal handling sites [40 CFR 122.26(b)(1)(vii)]; **TW** = Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage [40 CFR 122.26(b)(1)(ix)]; or

Alternatively, if your facility or site was specifically designated by your NPDES permitting authority (EPA), enter "AD."

Section D. Certification

Certification statement and signature. (CAUTION: An unsigned or undated NOI form will prevent the granting of permit coverage.) Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means:

- (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or
- (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, State, Federal, or other public facility: by either a principal executive or ranking elected official.

Paperwork Reduction Act Notice

Public reporting burden for this certification is estimated to average 3.7 hours per certification, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose to provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Director, Office of Environmental Information Services, Collection Services Division (2823), USEPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Include the OMB control number of this form on any correspondence. Do not send the completed NOI form to this address.

Attachment 2

Storm Water Pollution Prevention Plan (SWPPP)
Sample Table of Contents

I. SWPPP Coordinator and Duties.....	
II. Facility Description.....	
Facility Location.....	
Site Activities.....	
Site Description.....	
Storm Water Drainage System.....	
III. Identification of Potential Storm Water Contaminants.....	
Significant Material Inventory.....	
Historic Spills and Leak Record.....	
Potential Areas for Storm Water Contamination.....	
A Summary of Available Storm Water Sampling Data.....	
IV. Storm Water Management Controls	
Compliance with Other Programs.....	
Storm Water Management Practices.....	
Storm Water Treatment.....	
V. Facility Monitoring Plan.....	
VI. Compliance and Reporting Requirements.....	
SWPPP and SWPPP Summary.....	
Employee Training.....	
Implementation Schedule.....	
Record Retention Requirements.....	
Principal Executive Officer Signature.....	
Provisions for Amendment of the Plan.....	
Corporate Certification.....	

Appendix A: Inspection Logs

SWPPP Potential List of Tables and Figures

Tables:

Characteristics of Storm Water Drainage
Significant Materials Used at the Marina
Locations of Potential Sources of Storm Water Contamination
Implementation Schedule
BMP Implementation Schedule

Figures:

Facility Location
Site Map with Drainage Areas and Storm Water Flow (prior to BMP implementation)
Site Map with Structural BMP's